

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NYCOMED GmbH and WYETH,

Plaintiffs,

v.

APOTEX INC. and APOTEX CORP.,

Defendants.

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Civil Action No. 1:08-00827 (RAG)

Judge Ronald A. Guzman

Magistrate Judge Nan R. Nolan

FILED ELECTRONICALLY

**DEFENDANTS APOTEX INC.'S AND APOTEX CORP.'S
UNOPPOSED MOTION FOR EXTENSION OF TIME TO
ANSWER OR OTHERWISE RESPOND TO COMPLAINT**

Defendants Apotex Inc. and Apotex Corp. (collectively, "Apotex") hereby respectfully move this Court, pursuant to Federal Rule of Civil Procedure 6(b), for an extension of time until April 1, 2008, to answer or otherwise respond to the Complaint of Plaintiffs Nycomed GmbH and Wyeth (collectively, "Plaintiffs"). Plaintiffs have agreed to this request. In support of this Motion, Apotex states as follows:

1. Plaintiffs contend that Apotex was served with the Complaint on February 11, 2008. Accordingly, an answer or response to the Complaint was allegedly due on or before March 3, 2008.

2. Prior to March 3, 2008, counsel for the parties conferred, and counsel for Plaintiffs did not oppose Apotex's request for a brief extension until April 1, 2008, to answer or otherwise respond to the Complaint.

3. The parties' position with respect to the filing deadline of Apotex's answer or response to the Complaint was memorialized in a stipulation executed by counsel on February

27, 2008, and submitted to the Court via Electronic Case Filing on February 28, 2008. (*See* D.E. 16).

4. Pursuant to the Court's Order of March 21, 2008 (D.E. 17), Apotex hereby submits an Unopposed Motion reflecting the parties' position with respect to the filing deadline of Apotex's answer or response to the Complaint.

5. This Motion is not made for purposes of delay, but in good faith, as Apotex requires additional time to adequately and thoroughly analyze the allegations in the Complaint to permit it to appropriately answer or otherwise respond thereto.

WHEREFORE, Defendants respectfully request that the Court enter an Order permitting Apotex through and including April 1, 2008, to answer or otherwise respond to the Complaint.

Dated: March 24, 2008.

Respectfully submitted,

APOTEX INC. AND APOTEX CORP.

By: _____
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*Attorney for Defendants
Apotex Inc. and Apotex Corp.*

CERTIFICATE OF SERVICE

I, William A. Rakoczy, an attorney, hereby certify that on this 24th day of March, 2008, a true and correct copy of the foregoing Defendants Apotex Inc.'s and Apotex Corp.'s Unopposed Motion for Extension of Time to Answer or Otherwise Respond to Complaint was filed by the Court's Electronic Case Filing (ECF) system and served as follows to counsel for Plaintiffs:

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